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OFFICE OF PETITIONS

In re Application of
Michael Roscoe et al.
Application No. 09/891,978
Filed: June 26, 2001
Attorney Docket No. Hartford-4

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 19, 2006, to revive the above-identified application.

The petition is **GRANTED**.


The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 23, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 24, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1020 extension of time fee submitted with the petition on December 19, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to the petitioner's Deposit Account No. 50-3208.

Telephone inquiries concerning this decision should be directed to Jean Duverne at (571) 272-6051 or in his absence to the undersigned Examiner.

This application is being referred to Technology Center AU 1655 for appropriate action by the Examiner in the normal course of business on the reply received



David Bucci
Petitions Examiner
Office of Petitions